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#19/RCE

Revised PTO/SB/30 (02/01)

**REQUEST
for
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

*Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provided for continued examination of a utility or plant application
filed on or after June 8, 1995.
See the American Inventors Protection Act of 1999 (AIPA).*

Application Number	09/741,434
Filing Date	December 21, 2000
First Named Inventor	Takashi FUKUDA et al.
Group Art Unit	1756
Examiner Name	M. Angebrannt
Attorney Docket Number	2000_1743A
Confirmation No.	5280

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114
 - a. ☐ Previously submitted:
 - i. ☐ Please enter and consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on
 - ii. ☐ Please consider the arguments in the Appeal Brief or Reply Brief previously filed on
 - iii. ☐ Other_
 - b. ☒ Enclosed:
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☒ Other Patent Office Fee Transmittal Form
2. Miscellaneous
 - a. ☐ Suspension of action on the above-identified application is required under 37 C.F.R. § 1.103(c) for a period of months. (period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).
 - b. ☐ Other_
3. Fees (The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.)
 - a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. .
 - i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. ☒ Extension of time fee (37 C.F.R. § 1.136 and § 1.17)
 - iii. ☐ Other_
 - b. ☒ Check in the amount of \$1,160.00 enclosed

4. CORRESPONDENCE ADDRESS



000513

PATENT TRADEMARK OFFICE

By: Matthew Jacob

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June 6, 2003

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6/18/03
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 5280**
Takashi FUKUDA et al. : Docket No. 2000_1743A
Serial No. 09/741,434 : Group Art Unit 1756
Filed December 21, 2000 : Examiner M. Angebrannt

INFORMATION RECORDING METHOD

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Advisory Action dated April 17, 2003.

It appears that Applicants' response to final rejection has overcome the rejection over Brooks '012 or Champagne '351 in view of Natansohn et al. '381 in Official Action paragraph 3.

This leaves outstanding the rejection of claims 1-5 under 35 U.S.C. 103 as being unpatentable over either of Brooks '012 or Champagne '381, combined with Natansohn et al. '381, further in view of Bieringer et al. '846, Eich et al. '859 and Savant et al. '221.

The Advisory Action contends that the secondary references to Bieringer et al., Eich et al. and Savant et al. teach azo containing polymers used in holographic recording. Applicants, of course, recognize that an azo containing polymer is a known material having usefulness in optical information recording technology. The present invention, however, is not directed to the mere use of an azo containing polymer as a material of the optical recording film but rather in the specific manner of the dual light beam irradiation of the polymeric recording film, as recited in the "improvement" portion of claim 1.

The azo containing polymer recited in the preamble of claim 1 is merely exemplary of suitable polymeric materials capable of exhibiting desirable, if not the best results in optical information recording.

Even if it were admitted that an azo containing polymer is excellent in holographic recording, it is absolutely unclear if such a polymer would work well in a process based on a principle significantly differing from holographic recording.

The fact that the rejection over Brooks or Champagne in view of Natansohn et al. in the final Office Action has been overcome by Applicant's reply thereto suggests that the claimed method involves a patentable subject matter even without the limitation to the azo containing polymer as a material useful in practicing the process which *per se* involves patentable subject matter.

Therefore, the fact that azo containing polymers are known as a material used in optical information recording as taught by the secondary references has no bearing on the patentability of the claimed method, since the secondary references deal with methods remote from those presently recited. Thus, there is no motivation to combined the secondary references to Bieringer '846, Eich '859 and Savant '221, with the Brooks, Champagne and Natansohn references, in the absence of Applicant's disclosure.

Accordingly, the rejection on prior art is untenable.

No further issues remaining, allowance of this application is respectfully requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned at the telephone below.

Respectfully submitted,

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June 6, 2003

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